

502 KAR 13:030. Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

RELATES TO: KRS 237.110, 237.138, 237.140, 237.142, 18 U.S.C. 926C

STATUTORY AUTHORITY: KRS 237.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.140 provides for the certification of honorably retired elected or appointed peace officers to carry a concealed deadly weapon pursuant to 18 U.S.C. 926C and requires the Kentucky State Police to promulgate administrative regulations to implement the certification provisions. This administrative regulation establishes the requirements and procedures for range qualification for certification.

Section 1. Perform Live-firing Exercises. An applicant shall annually qualify for certification by performing a live-firing exercise in which the applicant is required to:

- (1) Fire from a safe position;
- (2) Perform without receiving any assistance in holding, aiming, or firing from the instructor or any other person; and
- (3) Meet the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140(4)(a).

Section 2. Supervision of Live-firing Exercise. The live-firing exercise shall be supervised as required by KRS 237.140(4)(b).

Section 3. Live-Firing Exercise Procedures and Grading. (1) If the live-firing exercise is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or facility range officer in accordance with that policy shall not constitute prohibited assistance to an applicant for the purposes of Section 1(2) of this administrative regulation.

- (2) An applicant shall provide a safe, functional handgun and factory-loaded ammunition.
- (3) Prior to conducting range firing, the firearms instructor shall:
 - (a) Inspect each applicant's firearm; and
 - (b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.
- (4) A passing grade shall not be given on range work to an applicant who:
 - (a) Does not follow the orders of the firearms instructor;
 - (b) In the judgment of the firearms instructor, handles a firearm in a manner that poses a danger to the applicant or to others; or
 - (c) Fails to meet the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140(4)(a).
- (5) If the applicant successfully completes the live-firing exercise, the firearms instructor shall mail or hand deliver the completed "Peace Officer Range Qualification Certification - LEOSA," KSP Form Number 123, showing the applicant's successful completion of the live-firing exercise to the applicant within five (5) business days.

Section 4. Incorporation by Reference. (1) "Peace Officer Range Qualification Certification-LEOSA," KSP 123, 07/05, is incorporated by reference.

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Road, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m. The phone number for the Criminal Identification and Records Branch is (502) 227-8700. (34 Ky.R. 1313; Am. 1723; eff. 2-1-2008.)